

## **REMARKS**

### **The Rejections Under 35 USC § 102**

Claims 1-3, 5-6, 8-10, 12-13, 15-17 and 19 were rejected as allegedly anticipated by US 6,007,740.

Examples 24 and 26 of US '740 are alleged to anticipate claim 1 and dependent claims therefrom.

Claim 1 is amended to require that the compounds of formulae B and of B-2 are not identical. Thus, a single compound in a given composition cannot satisfy both formulae at the same time.

Support for this amendment can be found in the specification at various places, for example, on page 27, line 26, where it is stated that the "mixture comprises ... at least two, in particular three, compounds of formula B." Compounds of formula B-2 are compounds of formula B since formula B-2 represents a subclass of compounds of broader formula B. Example 4 of the application also provides support for this amendment. The mixture of example 4 contains a compound designated ME2N.F, which is an alkyl cyano ester compound according to formula B, and a compound designated PZU-V2-N, which is an alkenyl cyano ester compound according to formula B-2.

Examples 24 and 26 of US '740 do not teach compositions where compounds of formulae B and B-2 are both present, and thus, do not anticipate claim 1.

As an alternative to having a compound of formula B-2 present in claim 1, a compound of formula IV can be present.

Example 26 is alleged to contain compounds HH-2V and V2-HHB, which are alleged to be compounds of formulae IV and IV'. The compound of formula IV' is in dependent claim 6 and is an additional compound to compounds of claim 1. In formula IV in claim 1, the definition of L<sup>1</sup> is F. In the corresponding position in V2-HHB an H is present. The designation B in the reference stands for an unsubstituted 1,4-phenylene. In the compound HH-2V there is no phenylene group at all, while in the compounds of formula IV one is present since m is defined as 1. Thus, there is no anticipation.

Reconsideration is respectfully requested.

### **The Rejections Under 35 USC § 103**

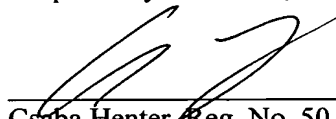
Claims 11, 14 and 18 were rejected as allegedly unpatentable over US '740.

These claims are rejected for allegedly being obvious for reasons other than the

reasons discussed above in the section 102 rejections. Applicants disagree with the rejections, but to not burden the record with additional arguments, instead state that since these claims are dependent on the claims discussed above, which should be allowable (there is no anticipation and there is also no obviousness, which is not even alleged), these claims should be readily allowable as well for at least the same reasons as the claims they depend from.

The Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,



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